

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

CONDRA SMITH,

Plaintiff,

-v-

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

Case No.: 1:20-CV-474-WCL-SLC

**DEFENDANT PIONEER CREDIT RECOVERY INC.'S JOINDER
IN SUPPORT OF DEFENDANT UNITED STATES DEPARTMENT OF EDUCATION'S
RESPONSE IN OPPOSITION TO PLAINTIFF'S MOTION TO REMAND**

Defendant Pioneer Credit Recovery, Inc. ("PCR") hereby submits its joinder in support of Defendant United States Department of Education's ("ED") Response in Opposition to Plaintiff's Motion to Remand (the "Response") [Dkt. #17], and states:

1. PCR joins in the arguments made by ED in its Response, which correctly notes that removals made pursuant to 28 U.S.C. § 1442 (governing removal of cases filed against the United States and its agencies) do not require the consent of other defendants under 28 U.S.C. § 1446. *See O'Callaghan v. United States*, 686 F. Supp. 2d 826,828 (N.D. Ill. 2010) ("[A] literal reading of Section 1442 permits removal by the United States without the consent of all defendants.") (collecting cases).

2. But even if consent was required (and it is not), PCR consents to the removal of this action and has notified ED of its position regarding same.

WHEREFORE, the Court should deny Plaintiff's Motion to Remand, and grant all other relief the Court deems appropriate.

Respectfully submitted,

/s/ Justin A. Allen

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CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2021, a copy of the foregoing was filed with the Court using the Clerk of Court's CM/ECF system, which by its operation will send notice of this filing to all counsel of record. A copy of the foregoing was also served by United States Mail, postage prepaid to the following:

Condra L. Smith
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Fort Wayne, IN 46806

Pro-Se Plaintiff

/s/ Justin A. Allen